

**THE ATTACHED
AMENDMENTS
ARE TO BILLS
THAT WILL
BE
HEARD ON
HOUSE REGULAR
CALENDAR
TODAY
THURSDAY
AUGUST 24, 2023**

Amendment No. 1 to HB7070

Hazlewood

Signature of Sponsor

AMEND Senate Bill No. 7089

House Bill No. 7070*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. It is hereby recognized that Senate Bill 85 / House Bill 12, relative to firearm safety, will result in a revenue loss of \$1,600,000 (recurring), if such bill becomes a law.

SECTION 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,100,000 (nonrecurring) to the Department of Safety for the sole purpose of creating and implementing a public safety campaign dedicated to safe firearm storage pursuant to Senate Bill 85 / House Bill 12, if such bill becomes a law. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly. The Department shall submit a report to the Chairs of the Finance, Ways and Means Committee of the Senate and the House of Representatives and the Office of Legislative Budget Analysis on or before February 1 of each year detailing the expenditures made pursuant to this section.

SECTION 3. In addition to funds previously appropriated in Section 60, Item 25 of Chapter 418, Public Acts of 2023, and described on page B-90 of the 2023-2024 Budget Document, there is appropriated the sum of \$10,000,000 (nonrecurring) to the Department of Education to be distributed as school safety grants and used for the same purposes provided in such previous appropriation and in the manner provided in this section. Such funds shall be limited for use by public charter schools without a full-time school resource officer for the 2023-2024 school year prior to the effective date of this act, and by schools within local education agencies without a full-time school resource officer in the school for the 2023-2024 school year prior to the effective date of this act.

SECTION 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$12,131,000 (nonrecurring) to the Department of Mental Health and Substance Abuse Services for the sole purpose of providing sign-on and retention bonuses to prospective or current behavioral health professionals who work for a Department of Mental

Health and Substance Abuse Services contracted treatment agency. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly. Further, such funds shall be subject to the following provisions and limitations: the Department shall create a schedule of sign-on and retention bonus amounts according to complexity of positions in the program; shall require a minimum amount of service time after payment of a sign-on bonus; and shall require repayment of bonuses paid if the recipient does not fulfill all conditions of the bonus program. The Department shall submit a report to the Chairs of the Finance, Ways and Means Committee of the Senate and the House of Representatives and the Office of Legislative Budget Analysis at least quarterly, beginning December 31, 2023, detailing the following information concerning sign-on and retention bonuses issued pursuant to this section: the number of bonus recipients, the bonus amounts, the agency location of recipients, the amount of service time per recipient, the amounts of federal and other departmental revenue and allotments reduced, and a general summary of the impact on program services.

SECTION 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,000,000 (nonrecurring) to the Department of Mental Health and Substance Abuse Services for the sole purpose of providing a public behavioral health scholarship program. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly. Further, such funds shall provide tuition stipends to Tennessee residents pursuing a degree in a behavioral health related field with the requirement that any scholarship recipient shall work for a Department of Mental Health and Substance Abuse Services contracted treatment agency for an amount of time equivalent to the amount of time the recipient received scholarship stipends. The Department shall submit a report to the Chairs of the Finance, Ways and Means Committee of the Senate and the House of Representatives and the Office of Legislative Budget Analysis at least quarterly, beginning December 31, 2023, detailing the following information concerning scholarships issued pursuant to this section: the number of scholarship recipients, the scholarship amounts, the type of degree pursued by each recipient, the location of recipients, the amounts of federal and other departmental revenue and allotments reduced, and a general summary of the impact on program services.

SECTION 6. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,000,000 (nonrecurring) to the Department of Mental Health and Substance Abuse Services for the Behavioral Health Safety Net Program to be used for the provision of mental health services.

SECTION 7. From funds appropriated to the Department of Correction in Section 58, Item 4 in Chapter 418, Public Acts of 2023, there is earmarked the sum of \$30,000,000 (nonrecurring) for the sole purpose of providing school safety grants to public and private institutions of higher education in this state. Grants shall be disbursed by the Department of Finance and Administration to such institutions and must be used for the same purposes as school safety grants appropriated and described in Section 60, Item 25 and Section 60, Item 26 of Chapter 418, Public Acts of 2023, and in Section 4 of this act. The Department shall submit a report to the Chairs of the Finance, Ways and Means Committees of the Senate and the House of Representatives and the Office of Legislative Budget Analysis at least quarterly, beginning October 1, 2023, detailing the following information concerning school safety grants issued pursuant to appropriations made in this item: which institutions of higher education applied for grants; which institutions received or were denied grants; how many days lapsed from receipt of an application until funds were disbursed or a denial was issued; and how the grant funds were used by the institution.

SECTION 8. From funds reverted by TennCare on June 30, 2023, there is earmarked the sum of \$50,000,000 (nonrecurring) for the sole purpose of providing grants to licensed community mental health agencies that contracted with the Department of Mental Health and Substance Abuse Services in fiscal year 2022-2023 to provide mental health services, including assessment, evaluation, diagnostic, therapeutic intervention, case management, and psychiatric medication management. Grants shall be disbursed by the Department of Mental Health and Substance Abuse Services to such licensed community mental health agencies and in amounts in proportion to the contracted services provided by each agency in relation to the amount of contracted services in aggregate during calendar year 2022. Grants received by agencies are to be used by the agencies to provide mental health services and provide bonuses to medical practitioners, as defined in Tennessee Code Annotated § 63-1-201, who provided mental health services through the agency in an amount that is in proportion to the services rendered.

SECTION 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (nonrecurring) for the sole purpose of implementing Senate Bill 93 / House Bill 26, relative to the reporting of juvenile commitments, if such bill becomes a law. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

SECTION 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,490,000 (recurring) for the sole purpose of implementing Senate Bill 80 / House Bill 27, relative to the court-ordered mental health evaluation and treatment for criminal defendants, if such bill becomes a law. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

SECTION 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,321,500 (recurring) for the sole purpose of implementing Senate Bill 91 / House Bill 32, relative to mental health coverage and reimbursements, if such bill becomes a law. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

SECTION 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,164,500 (recurring and of which \$9,766,800 shall be allocated for incarceration costs) for the sole purpose of implementing Senate Bill 77 / House Bill 34, relative to stalking offenses, if such bill becomes a law. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

SECTION 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,405,700 (recurring and of which \$434,700 shall be allocated for incarceration costs) for the sole purpose of implementing Senate Bill 27 / House Bill 73, relative to blended sentencing for certain juvenile offenders, if such bill becomes a law. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

SECTION 14. From funds appropriated to the Department of Correction in Section 58, Item 4 in Chapter 418, Public Acts of 2023, there is earmarked the sum of \$20,000,000 (nonrecurring) for the sole purpose of implementing Senate Bill 27 / House Bill 35, relative to a student loan repayment grant program for certain eligible licensed physicians, psychologists, and licensed counselors, if such bill becomes a law.

SECTION 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the general assembly for the sole purpose of payment

of any lawful expenses, including, but not limited to, staffing, per diem, travel, and other expenses, of the First Extraordinary Session of the One Hundred Thirteenth General Assembly. All expenses for the general assembly, upon the approval of the speaker of the senate, the speaker of the house of representatives, or both when required, shall be paid through the office of legislative administration.

SECTION 16. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 17. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB7070

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 7089

House Bill No. 7070*

by adding the following as a new, appropriately designated section immediately preceding the penultimate section and renumbering the existing sections accordingly:

SECTION __. With regard to funds previously appropriated in Section 54, Item 1-41 and Section 60, Item 26 of Chapter 418, Public Acts of 2023, and described on page B-90 of the 2023-2024 Budget Document, school safety grants may be disbursed and used to reimburse expenditures made to enhance a school's safety and security on or after March 27, 2023.

Amendment No. 3 to HB7070

Hazlewood

Signature of Sponsor

AMEND Senate Bill No. 7089

House Bill No. 7070*

by deleting the language "Senate Bill 93" in Section 9 and substituting instead the language "Senate Bill 92".

AND FURTHER AMEND by deleting the language "Senate Bill 27" in Section 14 and substituting instead the language "Senate Bill 79".

AND FURTHER AMEND by deleting the language "in Section 4 of this act" in Section 7 and substituting instead the language "in Section 3 of this act".

White
Signature of Sponsor

AMEND Senate Bill No. 7001

House Bill No. 7002*

by deleting Section 1 and substituting instead the following:

SECTION 1. Section 7 of Chapter 367 of the Public Acts of 2023, as codified in Tennessee Code Annotated, Section 49-6-807, is amended by designating subsection (e) as subsection (f) and adding the following as a new subsection (e):

(e)

(1) Each LEA, public charter school, private school, and church-related school shall develop a procedure for determining the cause of a fire alarm activation, including the potential for an active shooter event. The procedure must be developed in consultation with local fire and law enforcement officers and must comply with applicable fire and building codes. The procedure must include response procedures for students and school staff, including substitute teachers and other part-time staff and school volunteers, after a determination is made regarding whether the emergency situation involves a fire, an active shooter, or other incident. Each LEA, public charter school, private school, and church-related school shall annually train all school staff, including substitute teachers and other part-time staff and school volunteers, on the safety procedure developed pursuant to this subsection (e).

(2) Each LEA, and to the extent applicable, each public charter school, shall coordinate with its district-wide school safety team and building-level school safety team to incorporate the procedure developed pursuant to this subsection (e) in its district-wide school safety plan and building-level school safety plan.

(3) Each procedure developed pursuant to this subsection (e) must be implemented no later than January 1, 2024, and must be annually reviewed and updated, if necessary, to ensure the procedure reflects best practices for the safety of students and school staff, including substitute teachers and other part-time staff and school volunteers.

Amendment No. 1 to HB7003

Farmer
Signature of Sponsor

AMEND Senate Bill No. 7058

House Bill No. 7003*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-3-627(a)(1), is amended by deleting the subdivision and substituting:

(1) Notwithstanding § 36-3-608, a victim of any of the following offenses may file a petition for a lifetime order of protection against the offender who was convicted of the offense:

(A) A felony offense under title 39, chapter 13, part 1, 2, 3, or 5; or

(B) Aggravated stalking or especially aggravated stalking under § 39-17-315(c) or (d).

SECTION 2. Tennessee Code Annotated, Section 36-3-627, is amended by adding the following new subsection:

() A person who is subject to a lifetime order of protection, issued pursuant to this section, due to a conviction for aggravated stalking or especially aggravated stalking may petition the court that issued the lifetime order of protection for relief from any prohibition on purchasing or possessing a firearm if the person has been granted any of the following with regard to the conviction that was the basis for the lifetime order of protection:

(1) The person has been pardoned;

(2) The person's conviction has been expunged; or

(3) The person's civil rights have been restored pursuant to title 40, chapter 29, and the restoration order does not specifically prohibit the person from possessing firearms.

SECTION 3. This act takes effect October 1, 2023, the public welfare requiring it.

Amendment No. 1 to HB7007

Eldridge
Signature of Sponsor

AMEND Senate Bill No. 7090

House Bill No. 7007*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 38-7-110, is amended by deleting subsection (c) and substituting:

(c)

(1) Except as provided in subdivision (c)(2) and subsection (d), the reports of the county medical examiners, toxicological reports, and autopsy reports are public documents.

(2)

(A) The reports of county medical examiners and autopsy reports of a minor victim when the manner of death is deemed homicide are not public documents.

(B) The report of a county medical examiner or autopsy report of a minor victim when the manner of death is deemed homicide may be released if:

(i) The minor's parent or legal guardian is not a suspect in the circumstances of the minor's death and the parent or legal guardian consents to the release; or

(ii) A court orders the release of the report upon a showing of good cause. As used in this subdivision (c)(2)(B)(ii), "good cause" includes, but is not limited to, release of the records for the investigation of a potential wrongful conviction.

(3) Medical records of deceased persons, law enforcement investigative reports, and photographs, video, and other images of deceased persons are not public records.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB7013

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 7086

House Bill No. 7013*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 18-4-103(9), is amended by adding "by electronic submission" after "Tennessee bureau of investigation".

SECTION 2. Tennessee Code Annotated, Section 18-4-103(9), is amended by deleting "thirty (30) days" and substituting "three (3) business days".

SECTION 3. Tennessee Code Annotated, Section 18-4-203(b)(4), is amended by adding "by electronic submission" after "Tennessee bureau of investigation".

SECTION 4. Tennessee Code Annotated, Section 18-4-203(b)(4), is amended by deleting "thirty (30) days" and substituting "three (3) business days".

SECTION 5. Tennessee Code Annotated, Section 16-18-310, is amended by adding the following as a new subsection:

(c) The clerk of the municipal court, when exercising concurrent general sessions court jurisdiction, shall notify the Tennessee bureau of investigation by electronic submission of final disposition of criminal proceedings against a person as soon as practicable but no later than three (3) business days after final disposition of the criminal proceedings.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB7033

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 7028

House Bill No. 7033*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-11-105(a), is amended by adding the following as a new subdivision:

() Notwithstanding another law to the contrary, when a defendant has been arrested or held to answer for a bailable offense, the clerk of the court that admits a defendant to bail shall, within forty-eight (48) hours of the defendant being admitted to bail, publish on the clerk's website a report listing the following information for each defendant admitted to bail:

- (A) The offense for which the defendant was admitted to bail;
- (B) The amount and conditions, if any, of the defendant's bail; and
- (C) The name of the magistrate, judge, other judicial official, or clerk admitting the defendant to bail.

SECTION 2. This act takes effect October 1, 2023, the public welfare requiring it, and applies to persons admitted to bail on or after that date.

Amendment No. 1 to HB7032

Kumar
Signature of Sponsor

AMEND Senate Bill No. 7091

House Bill No. 7032*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 56-7-2360, is amended by deleting subdivisions (a)(1)(E) and (F) and substituting:

(E) "Health benefit plan" means a hospital or medical expense policy; health, hospital, or medical service corporation contract; a policy or agreement entered into by a health insurer or a health maintenance organization contract offered by an employer; other plans administered by the state government; or a certificate issued under the policies, contracts, or plans. "Health benefit plan" includes a plan of coverage under TennCare or a successor program provided for pursuant to title 71, chapter 5;

(F) "Health insurance carrier" means an entity subject to this title, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts with healthcare providers in connection with a plan of health insurance, health benefits, or health services. "Health insurance carrier" includes a vendor, as defined in § 71-5-103, or an entity that provides a health benefit plan of coverage under TennCare or a successor program provided for pursuant to title 71, chapter 5;

SECTION 2. Tennessee Code Annotated, Section 56-7-2360(a)(2), is amended by deleting the language "pursuant to this title" and substituting "pursuant to this title or title 71, chapter 5".

SECTION 3. Tennessee Code Annotated, Section 56-7-2360(b), is amended by deleting the period at the end of the subsection and substituting "; provided, further, that additional criteria used must ensure that benefit determination, including coverage and

reimbursement for the treatment of alcoholism or drug dependence, remain in parity with benefit determination for the treatment of mental health disorders."

SECTION 4. Tennessee Code Annotated, Section 56-7-2360(c), is amended by deleting the subsection and substituting:

(c) Notwithstanding another law to the contrary, a health benefit plan issued by a health insurance carrier must provide coverage and reimbursement for mental health services and treatment to the same extent that the health benefit plan provides coverage and reimbursement for the treatment of alcoholism and drug dependence.

SECTION 5. Tennessee Code Annotated, Section 56-7-2360(e)(4)(E), is amended by deleting the subdivision and substituting:

(E) A detailed explanation regarding parity in coverage and rates of reimbursement for mental health services and alcoholism and drug dependency services in compliance with § 56-7-2360(c);

SECTION 6. Tennessee Code Annotated, Section 56-7-2601(b), is amended by deleting the language "disability, unless the policy or plan of insurance specifically excludes or reduces these benefits." and substituting "disability".

SECTION 7. Tennessee Code Annotated, Section 56-7-2601(c)(3), is amended by deleting the last sentence and substituting:

However, the benefits provided are subject to deductibles and coinsurance factors that are not less favorable than for physical illness or the treatment of alcoholism or substance abuse generally, and coverage and reimbursement are not required to be made available for more than the number of visits per year offered for the treatment of alcoholism or substance abuse.

SECTION 8. Tennessee Code Annotated, Section 56-7-2601(e), is amended by adding a new subdivision (3):

(3) A residential or other mental health treatment facility licensed under title 33, chapter 2, part 4.

SECTION 9. Tennessee Code Annotated, Section 56-7-2601(g), is amended by deleting the semicolon at the end of subdivisions (2) and (4), and for each such subdivision substituting instead ", unless such plan provides coverage and reimbursement for alcoholism and drug dependence;".

SECTION 10. Tennessee Code Annotated, Section 56-7-2601(g)(5), is amended by deleting the semicolon at the end of the subdivision and substituting "; provided, that coverage and reimbursement for mental health treatment must remain in parity with coverage and reimbursement for alcoholism and drug dependence coverage;".

SECTION 11. This act takes effect October 1, 2023, the public welfare requiring it, and applies to policies, plans, and contracts entered into, renewed, amended, or modified on or after that date.

White
Signature of Sponsor

AMEND Senate Bill No. 7060

House Bill No. 7038*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Fund" means the school safety alert grant fund established by subsection (c); and

(2) "Local education agency" or "LEA" means a county, city, or special school district, unified school district, or school district of a metropolitan form of government.

(b) The department of education shall establish and administer a school safety alert grant program. The purpose of the program is to provide grants to LEAs and public charter schools to establish school safety alert systems in public schools. The alert systems funded through this grant program must be approved by the department of education in consultation with the department of safety.

(c) The department shall not require an LEA or public charter school to include a school safety alert system in the LEA's or public charter school's school security self-assessment, district-wide school safety plan, or building-level school safety plan in order to receive a grant.

(d) It is the legislative intent that funding for a school alert grant program created pursuant to this section is funded by the unexpended balance of appropriations made for school safety grants to LEAs in Chapter 418 of the Public Acts of 2023.

(e) A grant awarded under this section is limited to fifty thousand dollars (\$50,000) per eligible school in the fiscal year.

(f) On or before January 1, 2025, and by January 1 of each subsequent year, the department shall prepare a report to the general assembly regarding the funds received and payments made by the fund.

SECTION 2. This act takes effect October 1, 2023, the public welfare requiring it.

Amendment No. 1 to HB7012

Farmer
Signature of Sponsor

AMEND Senate Bill No. 7085

House Bill No. 7012*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) Subject to appropriations, the department of safety shall provide free firearm locks to a Tennessee resident upon the resident's request. The department of safety shall prominently display on the department's website instructions for requesting free firearm locks.

(b) The department shall collaborate with the Tennessee bureau of investigation, and other state agencies as the department deems appropriate, to create a public safety campaign dedicated to safe firearm storage.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(e), is amended by adding "Beginning October 1, 2023, all department-approved handgun safety courses shall include instruction on the safe storage of firearms; provided, however, that a course that was approved by the department prior to October 1, 2023, may continue to provide instruction in the same manner under which the course was previously approved. A person who has obtained an enhanced handgun carry permit prior to October 1, 2023, is not required by this subsection (e) to take an additional handgun safety course." before the last sentence.

SECTION 3. Tennessee Code Annotated, Section 39-17-1366(l)(1), is amended by deleting "storage methods" and substituting "safe storage methods; provided, however, that a course that was approved by the department prior to October 1, 2023, may continue to provide instruction in the same manner under which the course was previously approved. A person who

has obtained a concealed carry permit prior to October 1, 2023, is not required by this subdivision (l)(1) to take an additional handgun safety course".

SECTION 4. Tennessee Code Annotated, Section 67-6-393, is amended by deleting subsection (i).

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) There is exempt from the tax imposed by this chapter the retail sale of firearm safes and firearm safety devices.

(b) As used in this section:

(1) "Firearm safe" means a locking container or other enclosure, excluding glass-faced containers, equipped with a padlock, key lock, combination lock, or other locking device that is designed and intended for the secure storage of one (1) or more firearms; and

(2) "Firearm safety device" means:

(A) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(B) A device to be equipped or installed on a firearm that is designed to prevent the operation of the firearm by anyone who does not have authorized access to the firearm.

SECTION 6. Section 5 of this act takes effect November 1, 2023, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB7012

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 7085

House Bill No. 7012*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) Subject to appropriations, the department of safety shall provide free firearm locks to a Tennessee resident upon the resident's request. The department of safety shall prominently display on the department's website instructions for requesting free firearm locks.

(b) The department shall collaborate with the Tennessee bureau of investigation, and other state agencies as the department deems appropriate, to create a public safety campaign dedicated to safe firearm storage using funds specifically appropriated for that purpose during the 2023-2024 fiscal year. It is the legislative intent that one million one hundred thousand dollars (\$1,100,000) be appropriated for the department's public safety campaign dedicated to safe firearm storage.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(e), is amended by adding "Beginning October 1, 2023, all department-approved handgun safety courses shall include instruction on the safe storage of firearms; provided, however, that a course that was approved by the department prior to October 1, 2023, may continue to provide instruction in the same manner under which the course was previously approved. A person who has obtained an enhanced handgun carry permit prior to October 1, 2023, is not required by this subsection (e) to take an additional handgun safety course." before the last sentence.

SECTION 3. Tennessee Code Annotated, Section 39-17-1366(l)(1), is amended by

deleting "storage methods" and substituting "safe storage methods; provided, however, that a course that was approved by the department prior to October 1, 2023, may continue to provide instruction in the same manner under which the course was previously approved. A person who has obtained a concealed carry permit prior to October 1, 2023, is not required by this subdivision (l)(1) to take an additional handgun safety course".

SECTION 4. Tennessee Code Annotated, Section 67-6-393, is amended by deleting subsection (i).

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) There is exempt from the tax imposed by this chapter the retail sale of firearm safes and firearm safety devices.

(b) As used in this section:

(1) "Firearm safe" means a locking container or other enclosure, excluding glass-faced containers, equipped with a padlock, key lock, combination lock, or other locking device that is designed and intended for the secure storage of one (1) or more firearms; and

(2) "Firearm safety device" means:

(A) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(B) A device to be equipped or installed on a firearm that is designed to prevent the operation of the firearm by anyone who does not have authorized access to the firearm.

SECTION 6. Section 5 of this act takes effect November 1, 2023, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. 3 to HB7012

Hemmer
Signature of Sponsor

AMEND Senate Bill No. 7085

House Bill No. 7012*

by adding the following new subsection (c) in Section 1 of the bill as amended:

(c) For purposes of promoting the secure storage of firearms through awareness of the number of firearm thefts occurring in this state, the Tennessee bureau of investigation shall work with local law enforcement agencies to ensure the accurate reporting of data submitted for entry into the Tennessee incident based reporting system regarding crimes involving unsafely stored firearms.

Amendment No. 1 to HB7030

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 7062

House Bill No. 7030*

by deleting all language after the enacting clause and substituting:

SECTION 1. Section 1 of Chapter 264 of the Public Acts of 2023, as codified in Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iii)(b)(1), is amended by deleting the subdivision and substituting:

(1) Charged with the offense of robbery; burglary involving theft of a firearm, as defined by § 39-11-106; theft of a firearm, as defined by § 39-11-106; or an attempt to commit any such offense; or

SECTION 2. Tennessee Code Annotated, Section 37-1-134, is amended by adding the following as a new subsection:

(m)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to subdivision (a)(1)(A)(iii)(b)(1) upon motion by either party.

(2) If appealed, the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If an appeal is filed pursuant to this subsection (m), then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (m) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

SECTION 3. This act takes effect October 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 1 to HB7026

Hulsey
Signature of Sponsor

AMEND

House Bill No. 7026*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Adjudication as a mental defective or adjudicated as a mental defective" means:

(A) A determination by a juvenile court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to mental defect; or

(B) A finding of insanity by a court in a criminal proceeding;

(2) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or 7;

(3) "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including, but not limited to, a psychiatric ward in a general hospital; and

(4) "Treatment resource" means any public or private facility, service, or program providing treatment or rehabilitation services for mental illness or serious emotional disturbance, including, but not limited to, detoxification centers, hospitals, community mental health centers, clinics or programs, halfway houses, and rehabilitation centers.

(b) Notwithstanding § 37-1-153, a court wherein juvenile commitments to a mental institution are ordered pursuant to title 33, chapter 6 or 7 or juveniles are adjudicated as a mental defective shall enter a standing and continuing order instructing the juvenile court clerk to collect and report as soon as practicable, but no later than the third business day following the date of such an order or adjudication, information described in subsection (c) regarding children who have been adjudicated as a mental defective or judicially committed to a mental institution at sixteen (16) years of age or older for the purposes of complying with the Bipartisan Safer Communities Act of 2022, P.L. 117-159, and the NICS Improvement Amendments Act of 2007, P.L. 110-180.

(c) The following information must be collected and reported to the federal bureau of investigation-NICS Indices and the department of safety, pursuant to subsection (b):

(1) Complete name and all aliases of the child judicially committed or adjudicated as a mental defective, including, but not limited to, any names that the child may have had or currently has by reason of marriage or otherwise;

(2) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(3) Date judicial commitment ordered or adjudication as a mental defective was made;

(4) Private or state hospital or treatment resource to which the child was judicially committed;

(5) Date of birth of the child judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk;

(6) Race and sex of the child judicially committed or adjudicated as a mental defective; and

(7) Social security number of the child judicially committed or adjudicated as a mental defective, if available.

(d) The information in subsection (c), the confidentiality of which is protected by other statutes or regulations, must be maintained as confidential and is not subject to public inspection pursuant to applicable statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to § 38-6-109, § 39-17-1316, or §§ 39-17-1352 — 39-17-1354.

(e) Information collected and reported to the federal bureau of investigation-NICS Indices and the department of safety pursuant to subsection (b) must not be removed unless the individual receives relief from federal firearms disability under state or federal law.

(f) An agency shall not provide to the federal bureau of investigation-NICS Indices, or any other national or local databases, records related to commitments to mental institutions or children adjudicated as a mental defective if the child was under sixteen (16) years of age at the time of the commitment or adjudication.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB7008

Terry
Signature of Sponsor

AMEND Senate Bill No. 7078

House Bill No. 7008*

By deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 33-3-206, is amended by deleting the section and substituting:

(a) IF AND ONLY IF

(1) a service recipient has communicated to a qualified mental health professional or behavior analyst an

(A) intent for actual threat of bodily harm against a clearly identified victim, OR

(B) intent for actual threat of bodily harm against a group of people, including, but not limited to, students at a day care or school, people at a place of worship, and members of the service recipient's family, AND

(2) the qualified mental health professional or behavior analyst, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's or analyst's specialty under similar circumstances, has determined or reasonably should have determined that the service recipient has the apparent ability to commit such an act,

THEN

(3) the professional or analyst shall

(A) take reasonable care to warn of or take precautions to protect the identified victim or group of people from the service recipient's violent behavior, AND

(B) report the threat to

(i) the local law enforcement agency with jurisdiction over the municipality or county of residence of the service recipient; OR

(ii) IF the threat is general and not imminent or clearly identified, 988 or local crisis response service.

(b) A qualified mental health professional or behavior analyst who acts or makes a reasonable attempt to act in accordance with subsection (a) is not liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by a regulatory board for such act or reasonable attempt to act.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to acts occurring on or after the effective date of this act.

Amendment No. 1 to HB7034

Hulsey
Signature of Sponsor

AMEND Senate Bill No 7077

House Bill No. 7034*

by deleting the language "stalking as defined in § 36-3-601" in subdivision (2) of SECTION 1
and substituting "stalking as defined in § 39-17-315".

Amendment No. 1 to HB7023

White
Signature of Sponsor

AMEND Senate Bill No. 7015

House Bill No. 7023*

by deleting "and" in subdivision (b)(5) of Section 1, deleting "." in subdivision (b)(6) of Section 1 and substituting "; and", and adding the following as a new subdivision (b)(7) in Section 1:

(7) Whether the officer carries a firearm pursuant to § 49-6-815(a)(3).

AND FURTHER AMEND by adding the following as a new Section immediately preceding the last Section and renumbering the subsequent Section accordingly:

SECTION 4. Tennessee Code Annotated, Section 49-6-815(b)(2), is amended by adding ", unless the person is a law enforcement officer who is assigned to a school in accordance with Section 1" immediately preceding "; and".

Amendment No. 1 to HB7063

White
Signature of Sponsor

AMEND Senate Bill No. 7094

House Bill No. 7063*

by deleting Section 8 and substituting instead the following:

SECTION 8. Tennessee Code Annotated, Section 49-6-4202, is amended by adding the following as a new, appropriately designated subdivision:

() "Retired law enforcement officer" means an individual who is no more than seven (7) years retired from service as a law enforcement officer, as defined in § 39-11-106, from a federal, state, or local law enforcement agency;

SECTION 9. Tennessee Code Annotated, Section 38-8-104, is amended by adding the following as a new subsection:

(2) Notwithstanding another law to the contrary, the commission shall waive the requirement that a law enforcement officer be employed by a law enforcement agency in order to receive the basic training in school policing required for school resource officers pursuant to § 49-6-4217 so that school resource officers, as defined in § 49-6-4202(6)(B) or (C), who have been assigned to a public school by the director of schools or the director of the public charter school may receive the training.

SECTION 10. Tennessee Code Annotated, Section 62-35-103(a), is amended by adding the following as a new subdivision:

() A school resource officer, as defined in § 49-6-4202(6).

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by deleting subdivision (6)(B) in the amendatory language of Section 1 and substituting instead the following:

(B) A retired law enforcement officer who has been assigned to a public school by the director of schools or by the director of the public charter school; or

White
Signature of Sponsor

AMEND Senate Bill No. 7094

House Bill No. 7063*

by adding the following as a new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 49-6-815(b), is amended by adding the following as a new subdivision:

(4) If the person is a school resource officer, as defined in § 49-6-4202(6)(B) or (C):

(A) Have written authorization of the chief of the appropriate law enforcement agency to carry or possess a concealed handgun on school grounds;

(B) Not be prohibited from purchasing, possessing, or carrying a handgun under the laws of this state or federal law, as determined by a background check. The person must submit two (2) full sets of classifiable fingerprints to the law enforcement agency from which the person is seeking authorization under subdivision (b)(4)(A). The agency must then submit the fingerprints to the Tennessee bureau of investigation. Upon receipt of the fingerprints from the agency, the Tennessee bureau of investigation shall:

(i) Within thirty (30) days, conduct computer searches to determine the person's eligibility to purchase, possess, or carry a handgun as are available to the bureau based solely upon the person's name, date of birth, and social security number, and send the results of the searches to the submitting agency;

(ii) Conduct a criminal history record check based upon one (1) set of the fingerprints received, and send the results to the submitting agency; and

(iii) Send one (1) set of the fingerprints received from the submitting agency to the federal bureau of investigation; request a federal criminal history record check based upon the fingerprints, as long as the service is available; and send the results of the check to the submitting agency; and

(C) Have been certified by a Tennessee licensed healthcare provider, who is qualified in the psychiatric or psychological field and who contracts with the authorizing law enforcement agency, as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the person's ability to safely possess and carry a concealed handgun on the grounds of a school.

AND FURTHER AMEND by deleting "public charter school." in subdivision (b)(3)(B) of section 3 and substituting "public charter school; and".

White
Signature of Sponsor

AMEND Senate Bill No. 7079

House Bill No. 7035*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding the following as a new part:

49-7-3101.

(a) The purpose of this part is to attract and retain talented mental healthcare professionals by providing financial relief to eligible individuals dedicating a significant portion of their careers to serving the mental healthcare needs of the residents of this state.

(b) As used in this part:

(1) "Department" means the department of health; and

(2) "Program" means the mental healthcare professionals student loan repayment program created by this part.

49-7-3102.

Subject to specific appropriation of funds by the general assembly, there is created a mental healthcare professionals student loan repayment grant program to incentivize certain mental healthcare professionals to provide mental healthcare services in this state following completion of their training.

49-7-3103.

To be eligible for a loan repayment grant pursuant to the program, an individual must:

(1) Be a:

(A) Physician licensed pursuant to title 63, chapter 6 or 9, with expertise in psychiatry as determined by training, education, or experience and whose practice is primarily limited to psychiatry;

(B) Psychologist licensed pursuant to § 63-11-201(a)(3) and (b) and designated as a health services provider pursuant to § 63-11-208(d); or

(C) Professional counselor licensed pursuant to title 63, chapter 22;

(2) Have an outstanding student loan balance that resulted from medical education;

(3) Apply to the department for a grant, on forms provided by the department; and

(4) Enter into a contract with the department stating the individual shall:

(A) Provide mental healthcare services in this state for at least five (5) years within the seven (7) years following the date of application approval; and

(B) Use the grant funds only to repay eligible educational loans.

49-7-3104.

(a) An individual may apply for a grant while in training to become a licensed psychiatrist, psychologist, or professional counselor, but must not receive a grant until the individual completes all necessary training to be a licensed provider and satisfies the requirements of § 49-7-3103.

(b) To be eligible to apply while in training, an individual must be a student who:

(1) Has graduated from an accredited medical school and is actively enrolled in a psychiatry residency training program;

(2) Is training to become a psychologist and is engaged in a one-year postdoctoral experience required by § 63-11-208(d)(2)(A); or

(3) Is actively completing the two (2) years of professional experience required to become a licensed professional counselor pursuant to § 63-22-104(4).

49-7-3105.

(a) The department shall administer the program and establish an application and contract process.

(b) The department shall issue program monies to pay mental healthcare professionals student loan repayment grants to qualifying individuals for the amount of principal, interest, and related expenses of the individual's medical education loans, not to exceed the individual's total student loan indebtedness.

(c) Subject to the appropriation of sufficient funds and verification that an individual meets the eligibility requirements in § 49-7-3103, the department may award grants to qualifying individuals. However, the sum of all grants made to a qualifying individual must not exceed the individual's total student loan indebtedness.

(d) An individual who receives a student loan repayment grant and breaches the contract created pursuant to § 49-7-3103(4) by failing to comply with any of the requirements in § 49-7-3103(4) is liable for liquidated damages in an amount equivalent to the amount that would be owed for default and any other penalties as determined and authorized by the department. The department may retain legal counsel and commence whatever actions necessary to collect grant payments and charges if there is a default or a breach of a contract entered into under § 49-7-3103(4). The department may waive the liquidated damages provisions of this subsection (d) if it determines that death or permanent physical disability accounted for the failure of the participant to fulfill the contract. The department may prescribe additional conditions for default, cancellation, waiver, or suspension.

49-7-3106.

In addition to the program created by this part, the department is authorized in its discretion to enter into contracts with any Tennessee nonprofit corporation to carry out the purposes of this act, subject to following:

(1) As of the effective date of this act, the nonprofit organization has an existing contract with an agency of this state under which financial incentives are provided to healthcare professionals to practice in this state;

(2) The department determines that the nonprofit corporation has the resources to administer incentive programs to achieve the purposes of this part;

(3) The contract between the department and the nonprofit corporation must allow the nonprofit corporation to pursue remedies for default by a grant recipient or waive those privileges to the same extent as the department as set forth in § 49-7-3105(d); and

(4) The contract between the department and the nonprofit corporation must require the nonprofit corporation to periodically report on the identity of grant recipients, practice locations, defaults, collection efforts against defaulting recipients, and other information as the department determines is appropriate.

49-7-3107.

(a) The department is authorized to promulgate rules to effectuate this part. The department is authorized to consult with the Tennessee student assistance corporation, the board of medical examiners, the board of osteopathic examination, the board of professional counselors, and the board of examiners in psychology to promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) The department shall provide an annual report to the governor, the chair of the education administration committee of the house of representatives, the chair of the education committee of the senate, and the legislative librarian outlining the number of

individuals applying for and awarded grants, and any recommendations for program improvements, no later than January 1 of each year.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. 2 to HB7035

Ragan
Signature of Sponsor

AMEND Senate Bill No. 7079

House Bill No. 7035*

by adding the following as a new subsection at the end of Section 49-7-3107:

(_) This part is repealed July 1, 2033.

Amendment No. 3 to HB7035

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 7079

House Bill No. 7035*

by adding the following as a new section immediately preceding the last section and renumbering the remaining sections accordingly:

SECTION __. Tennessee Code Annotated, Title 49, Chapter 7, Part 31, is amended by adding the following as a new section:

(a) As used in this section, "fund" means the mental healthcare professionals student loan repayment grant fund established by subsection (b).

(b) There is created a separate fund within the general fund to be known as the mental healthcare professionals student loan repayment grant fund. The fund is composed of:

(1) Funds appropriated by the general assembly for the fund; and

(2) Gifts, grants, and other donations received by the department for the fund.

(c) It is the legislative intent that twenty million dollars (\$20,000,000) be appropriated in fiscal year 2023-2024 to the mental healthcare professionals student loan repayment grant fund created pursuant to this section.

(d) Subject to the availability of funds, the department shall allocate and disperse grants each fiscal year. The department shall prioritize grant awards to qualifying individuals as follows:

(1) Individuals who intend to practice in unserved areas, which are areas of this state that have no mental healthcare providers;

(2) Individuals who intend to practice in underserved areas, which are areas of this state that have a shortage of mental healthcare providers; and

(3) Individuals who graduated from eligible postsecondary institutions pursuant to § 49-4-902.

(e) Moneys in the fund must be invested by the state treasurer for the benefit of the fund in accordance with § 9-4-603. Interest accruing on investments and deposits of the fund must be returned to the fund and remain part of the fund. Any unencumbered moneys and any unexpended balance of the fund remaining at the end of a fiscal year do not revert to the general fund, but must be carried forward until expended in accordance with this section.

(f) The commissioner may promulgate rules to effectuate the purposes of this section in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(g) On or before January 1, 2025, and by January 1 of each subsequent year, the department shall prepare a report to the general assembly regarding the funds received and payments made by the fund.

Amendment No. 1 to HB7073

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court shall classify a child as a serious youthful offender if the juvenile is:

(i) Adjudicated delinquent for an offense listed in subdivision (a)(9)(B); or

(ii) Confined in a youth development center approved, certified, or licensed by the department of children's services, and charged with escape from that center;

(B) This subdivision (a)(9) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(i) First degree murder, as defined in § 39-13-202, if the child was less than sixteen (16) years of age at the time of commission of the offense;

(ii) Second degree murder, as defined in § 39-13-210, if the child was less than sixteen (16) years of age at the time of the commission of the offense;

(iii) Rape, as defined in § 39-13-503;

(iv) Aggravated rape, as defined in § 39-13-502;

(v) Rape of a child, as defined in § 39-13-522;

(vi) Aggravated rape of a child, as defined in § 39-13-531;

(vii) Robbery, as defined in § 39-13-401;

(viii) Aggravated robbery, as defined in § 39-13-402;

(ix) Especially aggravated robbery, as defined in § 39-13-403;

(x) Aggravated burglary, as defined in § 39-13-1003;

(xi) Especially aggravated burglary, as defined in § 39-13-1004;

(xii) Kidnapping, as defined in § 39-13-303;

(xiii) Aggravated kidnapping, as defined in § 39-13-304;

(xiv) Especially aggravated kidnapping, as defined in § 39-13-305;

(xv) Commission of an act of terrorism, as defined in § 39-13-805;

(xvi) Carjacking, as defined in § 39-13-404;

(xvii) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402;

(xviii) Criminal attempt, under § 39-12-101 to commit any of the offenses listed in subdivisions (a)(9)(B)(i)-(xvii); or

(xix) Any offense involving the use of a deadly weapon during the commission of the offense;

(C) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that the disposition must not end before the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (a)(9);

(D) In addition to the disposition imposed pursuant to subdivision (a)(9)(C), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(i) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the juvenile is adjudicated delinquent for any other act listed in subdivision (a)(9)(B);

(E)

(i) The court may stay the additional disposition imposed pursuant to subdivision (a)(9)(D);

(ii) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked;

(iii) The court shall invoke the additional disposition if the serious youthful offender has:

(a) Committed another delinquent act;

(b) Engaged in other conduct that creates a substantial safety risk;

(c) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(d) Failed to attend school regularly with passing grades or graduated from high school; or

(e) Failed to obtain regular employment, if the offender has graduated from high school;

(F)

(i) If the court revokes the stay, then the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (a)(9)(D); and

(ii) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday;

(G) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday;

(H) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must

include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing;

(I) A serious youthful offender supervised in a secure facility must be housed separate and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of correction shall take into consideration the proximity of the facility to the offender's home; and

(J) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(i), is amended by designating the current language as subdivision (a)(1)(A)(i)(a) and adding the following new subdivision (a)(1)(A)(i)(b):

(b) Fourteen (14) years of age or more but less than sixteen (16) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

SECTION 4. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(ii), is amended by deleting "first degree murder, second degree murder,".

SECTION 5. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iv), is amended by deleting "alleged conduct" and substituting "alleged conduct and charged with an offense other than first degree murder or second degree murder or attempted first or second degree murder".

SECTION 6. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a)

(1) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(2), then the court, before a hearing on the merits of the petition, shall conduct a hearing to determine whether the child should be transferred to a criminal court of competent jurisdiction to be tried as an adult.

(2) Subdivision (a)(1) applies if the child was sixteen (16) years of age or older at the time of the alleged conduct and charged with the offense of first degree murder or second degree murder or attempted first or second degree murder.

(3) A hearing pursuant to subdivision (a)(1) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(4) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(2), the child must be transferred and tried as an adult in criminal court if the juvenile court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged; and

(B) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child tried as an adult in criminal court receive, a sentence of death or mandatory imprisonment for life without the possibility of parole.

(3) If the juvenile court determines that the child must be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(4) If the juvenile court determines that the child must not be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law.

(5) Pursuant to § 37-1-159, the criminal court, or court having criminal jurisdiction, may review the juvenile court's determination.

(c) Section 37-1-134(c)–(h) apply to a juvenile transferred to criminal court under this section.

(d) When a child transferred under this section is detained, the juvenile court shall order confinement in a local juvenile detention facility or a juvenile detention facility with which it contracts, except that the juvenile court may order confinement in an adult detention facility separate and removed from adult detainees if the sheriff affirms to the court that the adult detention facility has the ability to comply with the requirements of § 37-1-116, and that the population of the adult detention facility does not exceed the capacity of the facility. The court having adult criminal jurisdiction may thereafter order detention in an adult detention facility separate and removed from adult detainees; provided, however, that during the period while such child is detained separately from adult detainees, the child must otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for

adults must be implemented for a child so detained, but such regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(e) A person who is transferred under this section and who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted and committed must be housed in a juvenile correctional facility unless the committing court orders commitment to an adult facility. A person committed to an adult facility under this section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of any such person, the commissioner of correction shall take into consideration the proximity of the institution to the person's home. However, during any period while the person is confined separately from adult inmates within a regional facility, the person shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies must not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

SECTION 7. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsection (g) and substituting:

(g)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to Section 6, upon motion of the child or the prosecution.

(2) If a motion to appeal is filed, then the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If a motion to appeal is filed, then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (g) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

(h) Appeals in all other civil matters heard by the juvenile court are governed by the Tennessee Rules of Appellate Procedure.

SECTION 8. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 2 to HB7073

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following new subsection:

(g)

(1) The court shall classify a child fourteen (14) years of age or older as a serious youthful offender if the juvenile is adjudicated delinquent for an offense listed in subdivision (g)(2).

(2) This subsection (g) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(A) First degree murder, as defined in § 39-13-202, if the child was fourteen (14) years of age or older but less than sixteen (16) years of age at the time of commission of the offense;

(B) Second degree murder, as defined in § 39-13-210, if the child was fourteen (14) years of age or older but less than sixteen (16) years of age at the time of the commission of the offense;

- (C) Rape, as defined in § 39-13-503;
- (D) Aggravated rape, as defined in § 39-13-502;
- (E) Rape of a child, as defined in § 39-13-522;
- (F) Aggravated rape of a child, as defined in § 39-13-531;
- (G) Aggravated robbery, as defined in § 39-13-402;
- (H) Especially aggravated robbery, as defined in § 39-13-403;
- (I) Especially aggravated burglary, as defined in § 39-13-1004;
- (J) Aggravated kidnapping, as defined in § 39-13-304;
- (K) Especially aggravated kidnapping, as defined in § 39-13-305;
- (L) Commission of an act of terrorism, as defined in § 39-13-805;
- (M) Carjacking, as defined in § 39-13-404;
- (N) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402;
- (O) Any other Class A or Class B felony offense involving the use of a deadly weapon during the commission of the offense; or
- (P) Criminal attempt, under § 39-12-101, to commit any Class A felony offense listed in this subdivision (g)(2).

(3) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that the disposition must not end before the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (g)(3).

(4) In addition to the disposition imposed pursuant to subdivision (g)(3), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before

the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(A) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult; or

(B) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult.

(5)

(A) The court may stay the additional disposition imposed pursuant to subdivision (g)(4).

(B) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked. The court shall consider whether the serious youthful offender has:

(i) Committed another delinquent act;

(ii) Engaged in other conduct that creates a substantial safety risk;

(iii) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(iv) Failed to:

(a) Attend school regularly with passing grades;

(b) Graduate from high school; or

(c) Obtain a general educational development certificate; or

(v) Failed to obtain regular employment, if the offender has graduated from high school.

(C) If the court finds any three (3) of the circumstances set forth in subdivision (g)(5)(B)(i)-(v), then the court shall invoke the additional disposition.

(6)

(A) If the court revokes the stay, then the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (g)(4); and

(B) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday.

(7) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday.

(8) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subsection (g). The recording must include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing.

(9) A serious youthful offender supervised in a secure facility must be housed separate and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of

correction shall take into consideration the proximity of the facility to the offender's home.

(10) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(i), is amended by designating the current language as subdivision (a)(1)(A)(i)(a) and adding the following new subdivision (a)(1)(A)(i)(b):

(b) Fourteen (14) years of age or more but less than sixteen (16) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

SECTION 4. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(ii), is amended by deleting "first degree murder, second degree murder,".

SECTION 5. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iv), is amended by deleting "alleged conduct" and substituting "alleged conduct and charged with an offense other than first degree murder or second degree murder or attempted first or second degree murder".

SECTION 6. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a)

(1) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(2),

then the court, before a hearing on the merits of the petition, shall conduct a hearing to determine whether the child should be transferred to a criminal court of competent jurisdiction to be tried as an adult.

(2) Subdivision (a)(1) applies if the child was sixteen (16) years of age or older at the time of the alleged conduct and charged with the offense of first degree murder or second degree murder or attempted first or second degree murder.

(3) A hearing pursuant to subdivision (a)(1) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(4) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(2), the child must be transferred and tried as an adult in criminal court if the juvenile court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged; and

(B) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child tried as an adult in criminal court receive, a sentence of death or mandatory imprisonment for life without the possibility of parole.

(3) If the juvenile court determines that the child must be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(4) If the juvenile court determines that the child must not be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law.

(5) Pursuant to § 37-1-159, the criminal court, or court having criminal jurisdiction, may review the juvenile court's determination.

(c) Section 37-1-134(c)–(h) apply to a juvenile transferred to criminal court under this section.

(d) When a child transferred under this section is detained, the juvenile court shall order confinement in a local juvenile detention facility or a juvenile detention facility with which it contracts, except that the juvenile court may order confinement in an adult detention facility separate and removed from adult detainees if the sheriff affirms to the court that the adult detention facility has the ability to comply with the requirements of § 37-1-116, and that the population of the adult detention facility does not exceed the capacity of the facility. The court having adult criminal jurisdiction may thereafter order detention in an adult detention facility separate and removed from adult detainees; provided, however, that during the period while such child is detained separately from adult detainees, the child must otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but such regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(e) A person who is transferred under this section and who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted and committed must be housed in a juvenile correctional facility unless the committing court orders commitment to an adult facility. A person committed to an adult facility under this

section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of any such person, the commissioner of correction shall take into consideration the proximity of the institution to the person's home. However, during any period while the person is confined separately from adult inmates within a regional facility, the person shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies must not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

SECTION 7. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsection (g) and substituting:

(g)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to Section 6, upon motion of the child or the prosecution.

(2) If a motion to appeal is filed, then the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If a motion to appeal is filed, then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (g) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

(h) Appeals in all other civil matters heard by the juvenile court are governed by the Tennessee Rules of Appellate Procedure.

SECTION 8. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 3 to HB7073

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting subdivision (g)(5)(B)(iv)(c) from the amendatory language of Section 2 and substituting:

(c) Obtain a high school equivalency credential approved by the state board of education; or

Amendment No. 4 to HB7073

Pearson
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court shall classify a child as a serious youthful offender if the juvenile is:

(i) Adjudicated delinquent for an offense listed in subdivision (a)(9)(B); or

(ii) Confined in a youth development center approved, certified, or licensed by the department of children's services, and charged with escape from that center;

(B) This subdivision (a)(9) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(i) First degree murder, as defined in § 39-13-202, if the child was less than sixteen (16) years of age at the time of commission of the offense;

(ii) Second degree murder, as defined in § 39-13-210, if the child was less than sixteen (16) years of age at the time of the commission of the offense;

(iii) Rape, as defined in § 39-13-503;

(iv) Aggravated rape, as defined in § 39-13-502;

(v) Rape of a child, as defined in § 39-13-522;

(vi) Aggravated rape of a child, as defined in § 39-13-531;

(vii) Robbery, as defined in § 39-13-401;

(viii) Aggravated robbery, as defined in § 39-13-402;

(ix) Especially aggravated robbery, as defined in § 39-13-403;

(x) Aggravated burglary, as defined in § 39-13-1003;

(xi) Especially aggravated burglary, as defined in § 39-13-1004;

(xii) Kidnapping, as defined in § 39-13-303;

(xiii) Aggravated kidnapping, as defined in § 39-13-304;

(xiv) Especially aggravated kidnapping, as defined in § 39-13-305;

(xv) Commission of an act of terrorism, as defined in § 39-13-805;

(xvi) Carjacking, as defined in § 39-13-404;

(xvii) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402;

(xviii) Criminal attempt, under § 39-12-101 to commit any of the offenses listed in subdivisions (a)(9)(B)(i)-(xvii); or

(xix) Any offense involving the use of a deadly weapon during the commission of the offense;

(C) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that, notwithstanding § 37-1-137, the court shall impose a determinate disposition to last until the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (a)(9);

(D) In addition to the determinate disposition imposed pursuant to subdivision (a)(9)(C), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(i) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the juvenile is adjudicated delinquent for any other act listed in subdivision (a)(9)(B);

(E)

(i) The court may stay the additional disposition imposed pursuant to subdivision (a)(9)(D);

(ii) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked;

(iii) The court may invoke the additional disposition if the serious youthful offender has:

- (a) Committed another delinquent act;
- (b) Engaged in other conduct that creates a substantial safety risk;
- (c) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;
- (d) Failed to attend school regularly with passing grades or graduated from high school; or
- (e) Failed to obtain regular employment, if the offender has graduated from high school;

(F)

(i) If the court revokes the stay, the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (a)(9)(D); and

(ii) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday;

(G) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday;

(H) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must

include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing;

(I) A serious youthful offender supervised in a secure facility must be housed separately and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of correction shall take into consideration the proximity of the facility to the offender's home; and

(J) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(i), is amended by designating the current language as subdivision (a)(1)(A)(i)(a) and adding the following new subdivision (a)(1)(A)(i)(b):

(b) Fourteen (14) years of age or more but less than sixteen (16) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

SECTION 4. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(ii), is amended by deleting "first degree murder, second degree murder,".

SECTION 5. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iv), is amended by deleting "alleged conduct" and substituting "alleged conduct and charged with an offense other than first degree murder or second degree murder or attempted first or second degree murder".

SECTION 6. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a)

(1) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(2), then the court, before a hearing on the merits of the petition, shall conduct a hearing to determine whether the child should be transferred to a criminal court of competent jurisdiction to be tried as an adult.

(2) Subdivision (a)(1) applies if the child was sixteen (16) years of age or more at the time of the alleged conduct and charged with:

(A) The offense of first degree murder or second degree murder or attempted first or second degree murder; or

(B) Any offense listed in § 37-1-134(a)(1)(A) if the offense was committed with a deadly weapon and the child has been previously adjudicated delinquent for an offense listed in § 37-1-134(a)(1)(A).

(3) A hearing pursuant to subdivision (a)(1) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(4) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(2), the child must be transferred and tried as an adult in criminal court if the juvenile court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged; and

(B) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child tried as an adult in criminal court receive, a sentence of death or mandatory imprisonment for life without the possibility of parole.

(3) If the juvenile court determines that the child must be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(4) If the juvenile court determines that the child must not be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law.

(5) Pursuant to § 37-1-159, the criminal court, or court having criminal jurisdiction, may review the juvenile court's determination.

(c) Section 37-1-134(c)–(i) apply to a juvenile transferred to criminal court under this section.

(d) A person who is transferred under this section and who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted and committed must be housed in a juvenile correctional facility unless the committing court orders commitment to an adult facility. A person committed to an adult facility under this section must be housed separately and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of any such person, the commissioner of correction shall take into consideration the proximity of the institution to the person's home. However, during any period while the person is confined separately from adult inmates within a regional facility, the person shall otherwise abide by the same regulations and policies governing conditions of

imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies must not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

SECTION 7. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsection (g) and substituting:

(g)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to Section 6, upon motion of the child or the prosecution.

(2) If a motion to appeal is filed, then the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If a motion to appeal is filed, then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (g) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

(h) Appeals in all other civil matters heard by the juvenile court are governed by the Tennessee Rules of Appellate Procedure.

SECTION 8. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 5 to HB7073

Hardaway
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court shall classify a child as a serious youthful offender if the juvenile is:

(i) Adjudicated delinquent for an offense listed in subdivision (a)(9)(B); or

(ii) Confined in a youth development center approved, certified, or licensed by the department of children's services, and charged with escape from that center;

(B) This subdivision (a)(9) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(i) First degree murder, as defined in § 39-13-202, if the child was less than sixteen (16) years of age at the time of commission of the offense;

(ii) Second degree murder, as defined in § 39-13-210, if the child was less than sixteen (16) years of age at the time of the commission of the offense;

(iii) Rape, as defined in § 39-13-503;

(iv) Aggravated rape, as defined in § 39-13-502;

(v) Rape of a child, as defined in § 39-13-522;

(vi) Aggravated rape of a child, as defined in § 39-13-531;

(vii) Robbery, as defined in § 39-13-401;

(viii) Aggravated robbery, as defined in § 39-13-402;

(ix) Especially aggravated robbery, as defined in § 39-13-403;

(x) Aggravated burglary, as defined in § 39-13-1003;

(xi) Especially aggravated burglary, as defined in § 39-13-1004;

(xii) Kidnapping, as defined in § 39-13-303;

(xiii) Aggravated kidnapping, as defined in § 39-13-304;

(xiv) Especially aggravated kidnapping, as defined in § 39-13-305;

(xv) Commission of an act of terrorism, as defined in § 39-13-805;

(xvi) Carjacking, as defined in § 39-13-404;

(xvii) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402;

(xviii) Criminal attempt, under § 39-12-101 to commit any of the offenses listed in subdivisions (a)(9)(B)(i)-(xvii); or

(xix) Any offense involving the use of a deadly weapon during the commission of the offense;

(C) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that the disposition must not end before the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (a)(9);

(D) In addition to the disposition imposed pursuant to subdivision (a)(9)(C), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(i) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the juvenile is adjudicated delinquent for any other act listed in subdivision (a)(9)(B);

(E)

(i) The court may stay the additional disposition imposed pursuant to subdivision (a)(9)(D);

(ii) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked;

(iii) The court shall invoke the additional disposition if the serious youthful offender has:

(a) Committed another delinquent act;

(b) Engaged in other conduct that creates a substantial safety risk;

(c) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(d) Failed to attend school regularly with passing grades or graduated from high school; or

(e) Failed to make best efforts to obtain regular employment, if the offender has graduated from high school;

(F)

(i) If the court revokes the stay, then the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (a)(9)(D); and

(ii) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday;

(G) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday;

(H) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must

include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing;

(I) A serious youthful offender supervised in a secure facility must be housed separate and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of correction shall take into consideration the proximity of the facility to the offender's home; and

(J) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(i), is amended by designating the current language as subdivision (a)(1)(A)(i)(a) and adding the following new subdivision (a)(1)(A)(i)(b):

(b) Fourteen (14) years of age or more but less than sixteen (16) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

SECTION 4. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(ii), is amended by deleting "first degree murder, second degree murder,".

SECTION 5. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iv), is amended by deleting "alleged conduct" and substituting "alleged conduct and charged with an offense other than first degree murder or second degree murder or attempted first or second degree murder".

SECTION 6. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a)

(1) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(2), then the court, before a hearing on the merits of the petition, shall conduct a hearing to determine whether the child should be transferred to a criminal court of competent jurisdiction to be tried as an adult.

(2) Subdivision (a)(1) applies if the child was sixteen (16) years of age or older at the time of the alleged conduct and charged with the offense of first degree murder or second degree murder or attempted first or second degree murder.

(3) A hearing pursuant to subdivision (a)(1) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(4) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(2), the child must be transferred and tried as an adult in criminal court if the juvenile court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged; and

(B) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child tried as an adult in criminal court receive, a sentence of death or mandatory imprisonment for life without the possibility of parole.

(3) If the juvenile court determines that the child must be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(4) If the juvenile court determines that the child must not be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law.

(5) Pursuant to § 37-1-159, the criminal court, or court having criminal jurisdiction, may review the juvenile court's determination.

(c) Section 37-1-134(c)–(h) apply to a juvenile transferred to criminal court under this section.

(d) When a child transferred under this section is detained, the juvenile court shall order confinement in a local juvenile detention facility or a juvenile detention facility with which it contracts, except that the juvenile court may order confinement in an adult detention facility separate and removed from adult detainees if the sheriff affirms to the court that the adult detention facility has the ability to comply with the requirements of § 37-1-116, and that the population of the adult detention facility does not exceed the capacity of the facility. The court having adult criminal jurisdiction may thereafter order detention in an adult detention facility separate and removed from adult detainees; provided, however, that during the period while such child is detained separately from adult detainees, the child must otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for

adults must be implemented for a child so detained, but such regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(e) A person who is transferred under this section and who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted and committed must be housed in a juvenile correctional facility unless the committing court orders commitment to an adult facility. A person committed to an adult facility under this section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of any such person, the commissioner of correction shall take into consideration the proximity of the institution to the person's home. However, during any period while the person is confined separately from adult inmates within a regional facility, the person shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies must not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

SECTION 7. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsection (g) and substituting:

(g)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to Section 6, upon motion of the child or the prosecution.

(2) If a motion to appeal is filed, then the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If a motion to appeal is filed, then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (g) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

(h) Appeals in all other civil matters heard by the juvenile court are governed by the Tennessee Rules of Appellate Procedure.

SECTION 8. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 6 to HB7073

Hardaway
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court shall classify a child as a serious youthful offender if the juvenile is:

(i) Adjudicated delinquent for an offense listed in subdivision (a)(9)(B) that was committed when the child was sixteen (16) years of age or older; or

(ii) Confined in a youth development center approved, certified, or licensed by the department of children's services, and charged with escape from that center;

(B) This subdivision (a)(9) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(i) First degree murder, as defined in § 39-13-202, if the child was less than sixteen (16) years of age at the time of commission of the offense;

(ii) Second degree murder, as defined in § 39-13-210, if the child was less than sixteen (16) years of age at the time of the commission of the offense;

(iii) Rape, as defined in § 39-13-503;

(iv) Aggravated rape, as defined in § 39-13-502;

(v) Rape of a child, as defined in § 39-13-522;

(vi) Aggravated rape of a child, as defined in § 39-13-531;

(vii) Aggravated robbery, as defined in § 39-13-402;

(viii) Especially aggravated robbery, as defined in § 39-13-403;

(ix) Especially aggravated burglary, as defined in § 39-13-1004;

(x) Aggravated kidnapping, as defined in § 39-13-304;

(xi) Especially aggravated kidnapping, as defined in § 39-13-305;

(xii) Commission of an act of terrorism, as defined in § 39-13-805;

(xiii) Carjacking, as defined in § 39-13-404;

(xiv) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402; or

(xv) Any Class A or B felony offense involving the use of a deadly weapon during the commission of the offense;

(C) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that the disposition must not end before the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (a)(9);

(D) In addition to the disposition imposed pursuant to subdivision (a)(9)(C), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(i) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the juvenile is adjudicated delinquent for any other act listed in subdivision (a)(9)(B);

(E)

(i) The court may stay the additional disposition imposed pursuant to subdivision (a)(9)(D);

(ii) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked;

(iii) The court shall invoke the additional disposition if the serious youthful offender has:

(a) Committed another delinquent act;

(b) Engaged in other conduct that creates a substantial safety risk;

(c) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(d) Failed to attend school regularly with passing grades or graduated from high school; or

(e) Failed to exert best efforts to obtain regular employment, if the offender has graduated from high school;

(F)

(i) If the court revokes the stay, then the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (a)(9)(D); and

(ii) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday;

(G) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday;

(H) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing;

(I) A serious youthful offender supervised in a secure facility must be housed separate and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of correction shall take into consideration the proximity of the facility to the offender's home; and

(J) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(i), is amended by designating the current language as subdivision (a)(1)(A)(i)(a) and adding the following new subdivision (a)(1)(A)(i)(b):

(b) Fourteen (14) years of age or more but less than sixteen (16) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

SECTION 4. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(ii), is amended by deleting "first degree murder, second degree murder,".

SECTION 5. Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iv), is amended by deleting "alleged conduct" and substituting "alleged conduct and charged with an offense other than first degree murder or second degree murder or attempted first or second degree murder".

SECTION 6. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a)

(1) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(2), then the court, before a hearing on the merits of the petition, shall conduct a

hearing to determine whether the child should be transferred to a criminal court of competent jurisdiction to be tried as an adult.

(2) Subdivision (a)(1) applies if the child was sixteen (16) years of age or older at the time of the alleged conduct and charged with the offense of first degree murder or second degree murder or attempted first or second degree murder.

(3) A hearing pursuant to subdivision (a)(1) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(4) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(2), the child must be transferred and tried as an adult in criminal court if the juvenile court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged; and

(B) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child tried as an adult in criminal court receive, a sentence of death or mandatory imprisonment for life without the possibility of parole.

(3) If the juvenile court determines that the child must be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(4) If the juvenile court determines that the child must not be transferred to criminal court to be tried as an adult, then the court shall enter a written order detailing the court's findings of fact and conclusions of law.

(5) Pursuant to § 37-1-159, the criminal court, or court having criminal jurisdiction, may review the juvenile court's determination.

(c) Section 37-1-134(c)–(h) apply to a juvenile transferred to criminal court under this section.

(d) When a child transferred under this section is detained, the juvenile court shall order confinement in a local juvenile detention facility or a juvenile detention facility with which it contracts, except that the juvenile court may order confinement in an adult detention facility separate and removed from adult detainees if the sheriff affirms to the court that the adult detention facility has the ability to comply with the requirements of § 37-1-116, and that the population of the adult detention facility does not exceed the capacity of the facility. The court having adult criminal jurisdiction may thereafter order detention in an adult detention facility separate and removed from adult detainees; provided, however, that during the period while such child is detained separately from adult detainees, the child must otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but such regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(e) A person who is transferred under this section and who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted and committed must be housed in a juvenile correctional facility unless the committing court orders commitment to an adult facility. A person committed to an adult facility under this

section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of any such person, the commissioner of correction shall take into consideration the proximity of the institution to the person's home. However, during any period while the person is confined separately from adult inmates within a regional facility, the person shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies must not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

SECTION 7. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsection (g) and substituting:

(g)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to Section 6, upon motion of the child or the prosecution.

(2) If a motion to appeal is filed, then the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If a motion to appeal is filed, then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (g) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

(h) Appeals in all other civil matters heard by the juvenile court are governed by the Tennessee Rules of Appellate Procedure.

SECTION 8. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 7 to HB7073

Hardaway
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court shall classify a child as a serious youthful offender if the juvenile is:

(i) Adjudicated delinquent for an offense listed in subdivision (a)(9)(B) that was committed when the child was sixteen (16) years of age or older; or

(ii) Confined in a youth development center approved, certified, or licensed by the department of children's services, and charged with escape from that center;

(B) This subdivision (a)(9) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(i) First degree murder, as defined in § 39-13-202, if the child was less than sixteen (16) years of age at the time of commission of the offense;

(ii) Second degree murder, as defined in § 39-13-210, if the child was less than sixteen (16) years of age at the time of the commission of the offense;

(iii) Rape, as defined in § 39-13-503;

(iv) Aggravated rape, as defined in § 39-13-502;

(v) Rape of a child, as defined in § 39-13-522;

(vi) Aggravated rape of a child, as defined in § 39-13-531;

(vii) Aggravated robbery, as defined in § 39-13-402;

(viii) Especially aggravated robbery, as defined in § 39-13-403;

(ix) Especially aggravated burglary, as defined in § 39-13-1004;

(x) Aggravated kidnapping, as defined in § 39-13-304;

(xi) Especially aggravated kidnapping, as defined in § 39-13-305;

(xii) Commission of an act of terrorism, as defined in § 39-13-805;

(xiii) Carjacking, as defined in § 39-13-404;

(xiv) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402; or

(xv) Any Class A or B felony offense involving the use of a deadly weapon during the commission of the offense;

(C) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that the disposition must not end before the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (a)(9);

(D) In addition to the disposition imposed pursuant to subdivision (a)(9)(C), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(i) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the juvenile is adjudicated delinquent for any other act listed in subdivision (a)(9)(B);

(E)

(i) The court may stay the additional disposition imposed pursuant to subdivision (a)(9)(D);

(ii) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked;

(iii) The court shall invoke the additional disposition if the serious youthful offender has:

(a) Committed another delinquent act;

(b) Engaged in other conduct that creates a substantial safety risk;

(c) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(d) Failed to attend school regularly with passing grades or graduated from high school; or

(e) Failed to exert best efforts to obtain regular employment, if the offender has graduated from high school;

(F)

(i) If the court revokes the stay, then the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (a)(9)(D); and

(ii) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday;

(G) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday;

(H) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing;

(I) A serious youthful offender supervised in a secure facility must be housed separate and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of correction shall take into consideration the proximity of the facility to the offender's home; and

(J) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. 8 to HB7073

Hardaway
Signature of Sponsor

AMEND Senate Bill No. 7027

House Bill No. 7073*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court shall classify a child as a serious youthful offender if the juvenile is:

(i) Adjudicated delinquent for an offense listed in subdivision (a)(9)(B); or

(ii) Confined in a youth development center approved, certified, or licensed by the department of children's services, and charged with escape from that center;

(B) This subdivision (a)(9) applies to delinquent acts committed by a child that, if committed by an adult, would constitute:

(i) First degree murder, as defined in § 39-13-202, if the child was less than sixteen (16) years of age at the time of commission of the offense;

(ii) Second degree murder, as defined in § 39-13-210, if the child was less than sixteen (16) years of age at the time of the commission of the offense;

(iii) Rape, as defined in § 39-13-503;

(iv) Aggravated rape, as defined in § 39-13-502;

(v) Rape of a child, as defined in § 39-13-522;

(vi) Aggravated rape of a child, as defined in § 39-13-531;

(vii) Robbery, as defined in § 39-13-401;

(viii) Aggravated robbery, as defined in § 39-13-402;

(ix) Especially aggravated robbery, as defined in § 39-13-403;

(x) Aggravated burglary, as defined in § 39-13-1003;

(xi) Especially aggravated burglary, as defined in § 39-13-1004;

(xii) Kidnapping, as defined in § 39-13-303;

(xiii) Aggravated kidnapping, as defined in § 39-13-304;

(xiv) Especially aggravated kidnapping, as defined in § 39-13-305;

(xv) Commission of an act of terrorism, as defined in § 39-13-805;

(xvi) Carjacking, as defined in § 39-13-404;

(xvii) Aggravated child abuse or aggravated child neglect or endangerment, as defined in § 39-15-402;

(xviii) Criminal attempt, under § 39-12-101 to commit any of the offenses listed in subdivisions (a)(9)(B)(i)-(xvii); or

(xix) Any offense involving the use of a deadly weapon during the commission of the offense;

(C) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that the disposition must not end before the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subdivision (a)(9);

(D) In addition to the disposition imposed pursuant to subdivision (a)(9)(C), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, and which ends on or before the offender's twenty-fourth birthday. The minimum additional disposition beyond the serious youthful offender's nineteenth birthday must be:

(i) Four (4) years if the juvenile is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the juvenile is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the juvenile is adjudicated delinquent for any other act listed in subdivision (a)(9)(B);

(E)

(i) The court may stay the additional disposition imposed pursuant to subdivision (a)(9)(D);

(ii) If the additional disposition is stayed, then the court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the stayed additional disposition should be invoked;

(iii) The court shall invoke the additional disposition if the serious youthful offender has:

(a) Committed another delinquent act;

(b) Engaged in other conduct that creates a substantial safety risk;

(c) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(d) Failed to attend school regularly with passing grades or graduated from high school; or

(e) Failed to obtain regular employment, if the offender has graduated from high school;

(F)

(i) If the court revokes the stay, then the court may order the serious youthful offender to serve the additional disposition as originally imposed or the court may modify the length of the additional disposition, subject to the minimum requirements set forth in subdivision (a)(9)(D); and

(ii) If the court imposes an additional disposition beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday;

(G) If the court determines that the additional disposition should not be invoked, then the juvenile court shall enter an order terminating supervision as of the serious youthful offender's nineteenth birthday;

(H) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must

include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing;

(I) A serious youthful offender supervised in a secure facility must be housed separate and removed from the general population. In determining the secure facility location of the serious youthful offender, the commissioner of correction shall take into consideration the proximity of the facility to the offender's home; and

(J) During the time of any disposition served after the serious youthful offender's nineteenth birthday, the juvenile court has the same powers as a trial court, including, but not limited to, the authority to preside over probation revocation proceedings pursuant to § 40-35-311. If the offender is found to have violated the conditions of probation or committed a new offense, then the juvenile court may impose any consequences that may be imposed on an adult offender serving a period of probation, and the court is not limited to the disposition authorized in this section.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.